

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20094

Hon. Matthew F. Leitman

v.

VERDELL KENNEDY,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION**  
**FOR COMPASSIONATE RELEASE (ECF No. 317)**

Defendant Verdell Kennedy is a federal prisoner. On October 25, 2021, Kennedy filed an emergency motion for compassionate release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A).<sup>1</sup> (*See* Mot., ECF No. 317.) In his motion, Kennedy seeks release based on an alleged COVID-19 outbreak at the prison where he is currently incarcerated (FCI Hazelton).

On October 28, 2021, the Court directed Kennedy to supplement his motion by answering certain questions regarding his COVID-19 vaccination status. (*See* Order, ECF No. 318.) Kennedy responded to the Court's questions on November 7,

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<sup>1</sup> The Court has previously denied Kennedy compassionate release on several occasions. (*See* Orders, ECF Nos. 289, 297, and 315.) The Court informed Kennedy that if his circumstances changed, he could file a renewed motion for compassionate release.

2021. (*See* Resp., ECF No. 319.) Kennedy informed the Court that he received the one-shot Johnson & Johnson COVID-19 vaccine in April 2021. (*See id.*, PageID.1618.) Kennedy is also currently awaiting approval for a booster shot. (*See id.*, PageID.1619.)

Because Kennedy has been vaccinated, the Court concludes that the risk of contracting COVID-19 while in custody does not constitute an extraordinary and compelling reason justifying his release. The United States Court of Appeals for the Sixth Circuit has repeatedly held in recent cases that “when [a prisoner] has access to the COVID-19 vaccine,” the prisoner’s potential exposure to the virus while in custody “does not present an extraordinary and compelling reason warranting” release. *United States v. Lemons*, 15 F.4th 747, 751 (6th Cir. 2021). *See also United States v. Traylor*, --- F.4th ---, 2021 WL 5045703, at \*1 (6th Cir. Nov. 1, 2021) (holding district court did not abuse its discretion when it denied a motion for compassionate release based on prisoner’s underlying health conditions where defendant had been fully vaccinated against COVID-19). The Court is therefore not persuaded that Kennedy is entitled to compassionate release at this time.

For all of the reasons stated above, **IT IS HEREBY ORDERED** that Kennedy’s motion for compassionate release (ECF No. 317) is **DENIED**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: November 23, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 23, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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